

General Docket
United States Court of Appeals for the Ninth Circuit

Court of Appeals Docket #: 98-56727
Nature of Suit: 3890 Other Statutory Actions
Recording Industry, et al v. Diamond Multimedia
Appeal From: U.S. District Court for Central California, Los Angeles
Fee Status: Paid

Docketed: 10/30/1998
Termed: 06/15/1999

Case Type Information:

- 1) civil
- 2) private
- 3) null

Originating Court Information:

District: 0973-2 : [CV-98-08247-ABC](#)
Trial Judge: Audrey B. Collins, District Judge
Date Filed: 10/08/1998
Date Order/Judgment:
10/28/1998

Date NOA Filed:
10/27/1998

Prior Cases:

None

Current Cases:

None

RECORDING INDUSTRY ASSOCIATION OF AMERICA, INC., a
New York not for profit corporation
Plaintiff - Appellant,

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[COR LD NTC Retained]
Arnold & Porter LLP
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ALLIANCE OF ARTISTS AND RECORDING COMPANIES, a
Pennsylvania not for profit corporation
Plaintiff - Appellant,

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v.

DIAMOND MULTIMEDIA SYSTEMS INC., a California corporation
Defendant - Appellee,

Andrew Phillip Bridges, Attorney
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RECORDING INDUSTRY ASSOCIATION OF AMERICA, INC., a New York not for profit corporation; ALLIANCE OF ARTISTS AND RECORDING COMPANIES, a Pennsylvania not for profit corporation,

Plaintiffs - Appellants,

v.

DIAMOND MULTIMEDIA SYSTEMS INC., a California corporation,

Defendant - Appellee.

10/30/1998	☐	1	DOCKETED CAUSE AND ENTERED APPEARANCES OF COUNSEL. CADS SENT (Y/N): NO. Referred to MOATT pursuant to FRAP 3.3. [98-56727] (SM) [Entered: 10/30/1998 01:04 PM]
10/30/1998	☐	2	Filed Laurence J. Hutt for Appellants Alliance of Artist and Recording Industry Civil Appeals Docketing Statement served on 10/27/98 (to CONFATT) [98-56727] [98-56727] (SM) [Entered: 10/30/1998 01:05 PM]
11/06/1998	☐	4	Filed order MOATT (SH) The appeal Filed Oct 27, 1998 is a prelim injunction appeal. Local R 3-3 shall apply. w/in 7 days of the filing of the NOA, the ptys shall make arrangements to obtain from the c/r an official transc proceedings in the dc which will be included in the ROA. (Cite). The brfg schedule is as follows: appellants' brief, excerpts of record are due 11/24/98; appellees' brief due 12/22/98; record on appeal is due 12/29/98; appellants' reply brief due. [98-56727] (XX) [Entered: 11/06/1998 06:29 AM]
11/27/1998	☐	5	Filed original and 15 copies Appellant Recording Industry, Appellant Alliance of Artist's opening brief (Informal: no) 51 pages; 5 excerpts of record (01 Exc.vol) served 11/24/98 (minor defcy: no Statement of Related Cases) Notified counsel, minor brief deficiency response due 12/11/98. [98-56727] (XX) [Entered: 11/27/1998 11:44 AM]
11/27/1998	☐	6	Filed Recording Industry Association of America, Inc. and Alliance of Artists and Recording Companies' request to appear and argue merits of the case; served on 11/24/98 (MOATT) [98-56727] (SM) [Entered: 11/30/1998 10:18 AM]
12/02/1998	☐	7	Received Appellants Recording Industry and Alliance of Artist's satisfaction of (minor) brief deficiency (statement of related cases) (RECORDS). [98-56727] (SM) [Entered: 12/02/1998 12:09 PM]
12/24/1998	☐	8	Filed original and 15 copies appellee Diamond Multimedia's 66 pages brief, 05 Suppl Exc. 01 vol., served on 12/22/98 [98-56727] appellants' reply brief due 1/5/99, ; (XX) [Entered: 12/30/1998 09:40 AM]
12/28/1998	☐	9	Received Amicus Consumer Elec Mfg's brief in 15 copies of 26 pages; deficient: mtn to file pending, served on 12/28/98 [98-56727] (XX) [Entered: 12/30/1998 10:52 AM]
12/29/1998	☐	10	Filed Amicus Consumer Elec Mfg's motion to become amicus curiae and to file brf Amicus in support of deft-able and the jdgmnt below, served on 12/28/98 [PROMO/MOATT] (XX) [Entered: 12/31/1998 01:01 PM]
01/05/1999	☐	14	Filed Appellant Recording Industry response, opposing Consumer Elec Mfg Assoc's amicus motion to become amicus, served on 1/4/99 (MERITS/PNL) RECORDS [98-56727] (XX) [Entered: 01/07/1999 02:03 PM]
01/07/1999	☐	12	Filed order MOATT (SH) The mtn of Consumer Elec Mfg Assoc for leave to file amicus brf is rfr to the pnl that will consider the merits of this appeal. The appeal is rdy for subm. (XX) [Entered: 01/07/1999 07:34 AM]
01/08/1999	☐	16	Filed Amicus Consumer Elec Mfg reply to aplts response to the amicus motion to become amicus, served on 1/7/99 (RFR/MERITS PNL) RECORDS [98-56727] (XX) [Entered: 01/12/1999 10:42 AM]
01/11/1999	☐	15	Filed original and 15 copies Recording Industry, Alliance of Artist reply brief, (Informal: no) 33 pages; served on 1/8/99 [98-56727] (XX) [Entered: 01/11/1999 02:13 PM]
01/20/1999	☐	20	Case rejected from Circuit Mediation Program. [Entered: 01/25/1999 11:51 AM]
01/21/1999	☐	19	Filed order (Robert R. BEEZER, Andrew J. KLEINFELD, Michael D. HAWKINS): This prelim injunction appeal is rfr to the next availabel merits pnl for dispo. See Local R 3-3(d). The appeal shall be placed on the calendar during the wk of Apr 12, 1999, in PAS, CA. [98-56727] (XX) [Entered: 01/21/1999 06:21 AM]
02/01/1999	☐	22	Calendar check performed [98-56727] (AW) [Entered: 02/01/1999 11:21 AM]
02/07/1999	☐	23	Calendar materials being prepared. [98-56727] [98-56727] (AW) [Entered: 02/07/1999 11:16 PM]
02/10/1999	☐	24	CALENDARED: PASA Apr 15 1999 9:00 am Courtroom 1 [98-56727] (AW) [Entered: 02/10/1999 05:58 PM]
03/19/1999	☐	27	Filed order (Deputy Clerk: gb) The mtn of Consumer Elec Mfg Assoc for leave to file brf is granted. [98-56727] (XX) [Entered: 03/19/1999 12:42 PM]
03/19/1999	☐	28	Filed original and 15 copies Consumer Elec Mfg's brief of 26 pages, served on 12/28/98 (PANEL) [98-56727] (XX) [Entered: 03/19/1999 12:48 PM]
03/31/1999	☐	29	Filed Diamond Multimedia ntc of claim of unconstitutionality pursuant to R. 44 of the FRAP, served on 3/31/99 [fax/pnl] (XX) [Entered: 04/02/1999 02:05 PM]
04/13/1999	☐	30	Filed Diamond Multimedia (faxed copies) additional citations, served on 4/13/99. (PNL) [98-56727] (MS) [Entered: 04/13/1999 03:52 PM]
04/15/1999	☐	31	ARGUED AND SUBMITTED TO Diarmuid F. O'SCANNLAIN, A. W. TASHIMA, Edward C. Reed [98-56727] (MS) [Entered: 04/15/1999 12:59 PM]
04/15/1999	☐	32	Received Appellee Diamond Multimedia exhibit used during oral argument. (case file) (MS) [Entered: 04/15/1999 03:23 PM]
06/15/1999	☐	34	FILED OPINION: AFFIRMED (Terminated on the Merits after Oral Hearing; Affirmed; Written, Signed, Published. Diarmuid F. O'SCANNLAIN, author; A. W. TASHIMA; Edward C. Reed.) FILED AND ENTERED

JUDGMENT. [98-56727] (XX) [Entered: 06/15/1999 10:45 AM]

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| 06/29/1999 | ☐ | 35 | Filed original and 50 copies Aplts Recording Industry, and Alliance of Artist petition for rehearing with suggestion for rehearing en banc 15 p.pages, served on 6/29/99 (PNL & ACTIVE JDGS) (XX) [Entered: 06/30/1999 12:41 PM] |
| 06/29/1999 | ☐ | 36 | Filed Appellee Diamond Multimedia bill of costs, served on 6/29/99 for the amnt of \$402.30 [98-56727] (XX) [Entered: 06/30/1999 01:28 PM] |
| 07/28/1999 | ☐ | 40 | Filed order (Diarmuid F. O'SCANNLAIN, A. W. TASHIMA, Edward C. Reed): The petition for rhrg is denied and the sugg for enbanc rehearing is rejected. [98-56727] (XX) [Entered: 07/28/1999 06:55 AM] |
| 08/05/1999 | ☐ | 41 | MANDATE ISSUED/COSTS TAXED [98-56727] (XX) [Entered: 08/05/1999 06:40 AM] |
| 02/07/2001 | ☐ | 42 | RECORD RETURNED. (See control card for details.) (Sefarian, Steve) [Entered: 02/07/2001 01:20 PM] |